

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA (DURHAM)**

IN RE:

CASE NO.:

**EDWARD LUPTON CREDLE
Debtor**

**09-82137
CHAPTER 13**

MOTION TO CHANGE VENUE

NOW COMES Worrell's Used Cars, a party in interest, and moves the Court to change the venue of this case from the Middle District of North Carolina to the Eastern District of North Carolina, and in support thereof shows unto the Court as follows:

1. The Debtor filed his Chapter 13 bankruptcy petition on December 1, 2009. Said petition was filed in the Middle District of North Carolina and the Chapter 13 Trustee appointed is Richard M. Hutson, II.
2. As is shown by the Debtor's petition, the Debtor resides at 10130 Chestnut Ridge Road, Bailey, North Carolina. According to the Debtor's petition, this is in Nash County, North Carolina. Further, the Debtor is employed at Wilson Medical Center in Wilson, Wilson County, North Carolina.
3. According to question No. 15 of the Debtor's Statement of Financial Affairs, the Debtor has resided at his current address since at least March, 2008.
4. According to the above, it is clear that the proper and only venue for this case is the Eastern District of North Carolina. See 28 U.S.C. 1408.
5. The issue of venue is not discretionary and the Court should transfer the case to the Eastern District of North Carolina or dismiss the same. See Bank. Rule 1014.

WHEREFORE, based on the foregoing, the undersigned requests that the Court enter an order transferring the venue of this case from the Middle District of North Carolina to the Eastern District of North Carolina, and specifically the Wilson Division.

Respectfully submitted, this the 14th day of December, 2009.

/S/ John G. Rhyne
John G. Rhyne
State Bar No: 17570
HINSON & RHYNE, P.A.
P.O. Box 7479
Wilson, NC 27895-7479
Telephone: (252) 291-1746
Telecopier: (252) 291-2521
E-mail: johnrhyne@hinsonrhyne.com

CERTIFICATE OF SERVICE

I, Maureen Radford, of the law firm of Hinson & Rhyne, P.A., of P. O. Box 7479, Wilson, North Carolina, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age.

That on December 14, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. By filing the pleading using the CM/ECF system, the parties listed below will either receive notification of such filing by way of CM/ECF or by depositing copies thereof in the United States mail, first class mail, postage prepaid, an envelope addressed as shown below.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: December 14, 2009.

/s/ Maureen Radford

Maureen Radford
Hinson & Rhyne, P.A.
P. O. Box 7479
Wilson, NC 27895-7479
(252) 291-1746

RECIPIENTS:

John T. Orcutt, Esq.
Atty for Debtor
6616-203 Six Forks Road
Raleigh, NC 27615

Mr. Edward Lupton Credle
10130 Chestnut Ridge Road
Bailey, NC 27807

Richard M. Hutson, II
Chapter 13 Trustee
P.O. Box 3613
Durham, NC 27702

Worrell's Used Cars
2100 S. Tarboro Street
Wilson, NC 27893